

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT FENNELL,

Plaintiff,

v.

JOHN E. WETZEL, et al,

Defendants.

No. 4:17-CV-01520

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

MARCH 19, 2019

Robert Fennell, a Pennsylvania state prisoner, has filed a 42 U.S.C. § 1983 complaint alleging that numerous defendants violated his constitutional rights and committed several state law torts. Specifically, Fennell alleges that Defendants conspired to prevent Fennell from filing grievances and civil complaints, and physically retaliated against him for attempting to file grievances or complaints. In January 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation, recommending that this Court grant three motions to dismiss filed by numerous defendants (collectively “Moving Defendants”) on the grounds that Fennell failed to state a claim against many of the defendants, and that several of the defendants were improperly joined and should instead be sued in another jurisdiction. Fennell filed timely objections to the Report and Recommendation.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)). District courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72.31.

After conducting de novo review of the Report and Recommendation, the Court finds no error in the recommendation. Consequently, it is hereby ordered that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (ECF No. 47) is **ADOPTED**;
2. Moving Defendants’ motions to dismiss (ECF Nos. 16, 18, 28) are **GRANTED**;
3. Fennell’s complaint (ECF No. 1) is **DISMISSED** without prejudice;
4. Defendants Daniel Schroeder and Mandy Biser’s motion to dismiss (ECF No. 52) is **DENIED as moot**; and
5. Fennell shall, within 30 days of the date of this Order, file an amended complaint—detailing with as much specificity as possible—all claims that occurred within this Court’s jurisdiction. Any claims predicated upon actions occurring at SCI Cresson or SCI Houtzdale should be

brought before the United States District Court for the Western District
of Pennsylvania.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge